

**IN THE CIRCUIT COURT OF WETZEL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION**

**MARKWEST LIBERTY MIDSTREAM
& RESOURCES, L.L.C.,
*Plaintiff,***

v.

**CIVIL ACTION NO. 16-C-82
JUDGE H. CHARLES CARL, III**

**J.F. ALLEN COMPANY;
AMEC FOSTER WHEELER
ENVIRONMENT & INFRASTRUCTURE, INC.; and
REDSTONE INTERNATIONAL, INC.;
*Defendants*¹,**

**BENCH TRIAL ORDER
DAY FOUR: SEPTEMBER 24, 2020**

1. On the 24th day of September, 2020, this matter came on before the Court for a bench trial. By prior agreement of the parties, the Court conducted the bench trial in Hampshire County, West Virginia. The Plaintiff was present by its counsel Kevin L. Colosimo, Joseph M. Ward, and Jonathan G. Brill, and its in-house counsel Natalie Lien. Defendant J.F. Allen Company was present by its counsel Douglas C. LaSota and by its President, Greg Hadjis. Defendant Amec Foster Wheeler Environment & Infrastructure, Inc. was present by its counsel Vic L. McConnell and by its Lead Engineer, Chris Ramsey. Defendant Redstone International, Inc. was present by its counsel Bruce E. Stanley and Michael A. Jacks, and by its President, Heath Kefover.

2. The Court then inquired as to whether counsel had any objections to the Day Order from yesterday. Counsel had no objections and the Court then entered the Order.

3. Thereafter, Tyler Adams was re-called to the stand, appearing remotely via Zoom video, and was subject to cross-examination by Mr. McConnell. During the testimony of Mr.

¹ The remaining Defendants were dismissed, by agreement of the parties, prior to the bench trial.

Adams, Plaintiff objected to Mr. McConnell playing a recording of a telephone conference (**Amec Exhibit 151**). The Court heard argument from counsel, which discussion and rulings are more fully set forth on the record. The Court overruled the objection and allowed the recording to be played, for the purpose of determining whether Mr. Adams could identify his voice on the recording and for the Court to hear what Mr. Adams said; the Court did not rule at this time on the admissibility of the recording into evidence.

4. Following cross-examination by Mr. McConnell, Mr. Adams was subject to cross-examination by Mr. Jacks.

5. After cross-examination, Mr. Adams was subject to re-direct examination by Mr. Ward.

6. Thereafter, Mr. Adams was subject to re-cross examination by Mr. LaSota. Mr. McConnell and Mr. Jacks had no further cross-examination. Thereafter, Mr. Adams was subject to re-re-direct examination by Mr. Ward and to re-re-cross examination by Mr. LaSota. Thereafter, Mr. Adams was excused as a witness and is not subject to re-call.

7. Following the testimony of Mr. Adams, the Court and counsel discussed the next sequence of witnesses. Mr. Colosimo indicated he planned to present deposition testimony of Don Dotson and then call Chris Ramsey as a witness; for tomorrow, Thomas Stack will be testifying via Zoom at 9:00 a.m. Mr. McConnell indicated that Mr. Ramsey needs to leave for the airport by noon tomorrow, but he will be back in person next week. The Court advised that witnesses may be taken out of turn and witness testimony may be stopped and then continued to another day, as necessary.

8. Thereafter, the Court recessed for a brief break.

9. Following the break, Plaintiff called Don Dotson, as a witness, to testify by deposition. For purposes of presenting the deposition testimony, Mr. Colosimo read the questions and Mr. Brill read Mr. Dotson's answers.

10. Thereafter, Plaintiff called Christopher Ramsey, who was duly sworn and subject to direct examination. During the direct examination of Mr. Ramsey, the Court recessed for a lunch break.

11. After the lunch break, the testimony of Mr. Ramsey resumed.

12. During the direct-examination of Mr. Ramsey, the Court took a brief break.

13. At 5:00 p.m. the proceedings adjourned for the day.

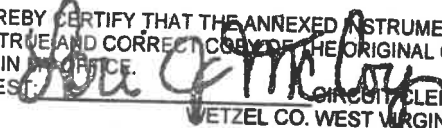
It is **ORDERED**:

- ❖ The Circuit Clerk shall send this Order to all counsel of record.
- ❖ The Court notes the objections and exception of the parties to any adverse findings or rulings herein.

ENTERED this 29 day of September, 2020.



H. CHARLES CARL, III, JUDGE
BUSINESS COURT DIVISION

I HEREBY CERTIFY THAT THE ANNEXED INSTRUMENT
IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON
FILE IN MY OFFICE.
ATTEST:  Abby G. McLean
CIRCUIT CLERK
BY: _____ WETZEL CO. WEST VIRGINIA
DEPUTY CLERK